Sectt. H-27—50,000—23-11-42.

Revenue (1943) Department.

MS SERIES.

G.O. No. 2365

Dated [illegible]

[Despatch Abstract.]

Village officers - Headman - (Bellary) - Hadagalli Taluk and village - H. Annadanagowd - Member, Panchayat Board, Hadagalli - Continuance as President of the Panchayat Boar Ordered.

Revenue Department.

Subject:- Village Officers- Headman- (Bellary)- Hadagalli Taluk and village - M. Annadanagowd- member Panchayat Board, Hadagalli- Elected as President- continuance-

Refce.A.177/43-1

Station: ~~Madras~~ Madras. dated 24- 7- 43.

From

S.Y. Krishnaswami Esq., I.C.S.,
Secretary, Board of Revenue, Madras.

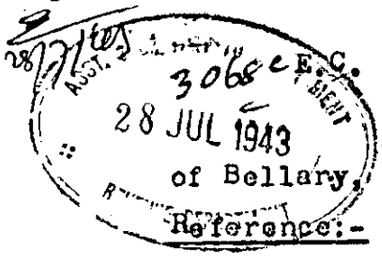
To

E.C. Wood Esq., C.I.E., I.C.S., Commr. of Land Rev. & Irrign

Read:-

Letter from I.M. Fraser Esq., I.C.S., Collector of Bellary, Ref. on C.2363/43 A.1. dated 28-6-43.

Reference:-



Submitted to the Government for favour of orders.

2. The appellant Sri M. Annadanagowd, Headman of Hadagalli village was elected as a member of the Hadagalli Panchayat Board on 14-6-1938 and he was allowed to continue as a member of the Panchayat Board with reference to the instructions in Paragraph 2 of G.O. Press No.2214 Rev. dated 28-8-39. On 19-6-41 he was elected as President of the Panchayat Board consequent on the removal of the previous President. The question now for decision is whether the headman should be asked to resign either his Presidentship or the headman's post or whether he may be allowed to continue as President of the Panchayat Board also till the expiry of his term as a member of the Panchayat Board.

3. Paragraph 1 of G.O. Press No.2214 Rev. dated 28-8-1939 speaks of elections to a legislature or a local body and there does not seem to be any specific prohibition to a village officer continuing in a local Board even as a President for the term of his membership. The election of the President to the Panchayat Board is after all only from among the members of the Panchayat Board and the Board of Revenue is of opinion that the spirit of the concession allowed in Paragraph 2 of G.O. Press No.2214 Rev. dated 28-8-1939 will not be offended against if the village officer is continued as the President of the Panchayat Board.

Tkwaramurthy
30-7-43
for Secretary.

To the Secretary to Government, Revenue Dept. -with records as per list. *

Copy to the Collector of Bellary.

AMK 24/7.

(*1. Board's current file p.p 1-10
2. Collector's D.Dis.4232/42d/14-4-
3. " D.Dis.1999/43 d/ 3-6-43.

Letter from I.M. Frasher Esq., I.C.S., Collector of Bellary, Ref.on C.2363/43-A.1 dated 28-6-1943:-

I enclose the petition of Sri M. Annadana Gowd, headman of Hadagalli village, appealing against my order in this office D.Dis. C.. 4232/42 dated 14-4-43. The petition is accompanied by copies of orders in this office D.Dis.C.4232/42 dated 14-4-43 and D.Dis. 1999/43 dated 3-6-43.

2. The petitioner is the hereditary village munsif of Hadagalli village and also the President of the Panchayat Board, Hadagalli He is ineligible to hold both the posts in view of the orders contained in G.O. No.2214 dated 28-8-39. He contends that on 19-6-41 there was only a meeting of the members for selecting a President and that his election at this meeting should not be treated as a fresh election. I have discussed this point fully in my order dated 14-4-43 referred to above, and I have no further remarks to add.

General Sales Tax --D.C.R. for the month of ..... 19 for ..... district

Licence fees	Miscellaneous (penalties and composition fees	Tax demanded	Dealers in bullion and specie.	Dealers in cotton and cotton yarn.	Dealers in hides and skins and tanners.	Brokers and Commission agents.	TOTAL.	Demand	Collection	Balance	[illegible]	Provisional monthly tax.	Tax on actual monthly turn over.	Tax on tanners.	Tax from brokers and commission agents.	Tax from dealers in [illegible]	Tax from brokers and commission agents.	Total current.	Total arrears and current.

3. The petitioner, as laid down in instruction VI (i) in Appendix XV to Board's Standing Order 172 paragraph 11 as amended by C.S. 118 dated 14-4-43. should have applied to the Board for remedy instead of addressing the Government in the first instance. As the Board itself is competent to dispose of the petition, I submit the petition for the orders of the Board.

4. The connected records contained in this office D.Dis.4232/42 dated 14-4-43 and D.Dis.1999/43 dated 3-6-43 are also enclosed.

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MK 24/7

The Secretary to the Government,
Revenue Department,
Madras.

Through,
The Collector of Bellary

Most honoured Sir,

Subject:- Village officers - Headman - Bellary District Hadagalli Taluk and Village - Mahamada Gouse elected as President of the Panchayat Board - Hadagalli -application for continuance as - President of Board - appeal petition - submitted.

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Reference:- (1)Collector's D.Dis.C. No.4232/42 dated 14-4-43

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(2)Collector's D.Dis.C.1959/43 dated 3-6-43.

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COLLECTOR'S OFFICE 19 JUN 1943 BELLARY

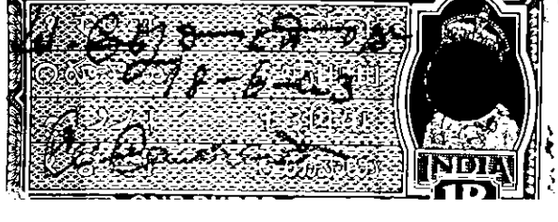
The petitioner begs to submit the following appeal against the orders of the Collector passed in his D.Dis.C. No.4232/42 dated 14-4-43 for favour of consideration and orders. A copy of the Collector's order duly stamped is enclosed for favour of reference.

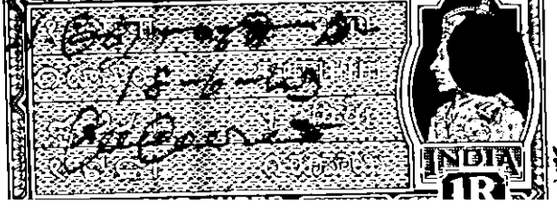
2. The appellant was elected as a member of the Hadagalli Panchayat Board in June 1938 and before its expiry in November 1941 the Government was pleased to extend the term up to 1-11-43. He was an ordinary member of the Board till 18-6-41 and was unanimously elected as President on 19-6-41 consequent on the removal of the then President, who still continues to be a member of the Board.

3. The right of selecting a President is granted by section of the Madras Local Board's Act. The members who are already on the Board can legally elect one amongst themselves to be the President So such selection of a President from amongst them is not a fresh election. The Madras High Court has in the year 1929 defined that such election of a President is only a resolution of the Board under section 12 of the Madras Local Board's Act.(please vide Madras weekly notes pages 67 to 70). The election of a President is recorded in the minutes book as a resolution of the Panchayat under the proceedings of the special meeting. So the selection of the appellant as President by the then existing members is only a resolution and not a fresh election, as construed by the Collector. Besides the G.O. No 2214 dated 26-8-39 which supercedes all the orders previously issued on the subject is also a very clear. It only stands in the way of a Village Officer desiring to stand for election as a member to a Panchayat Board after the issue of the Government order and does not at all prohibit the then existing members either to become or continue as President. So the appellant begs to submit that a member who has been elected as President by the members of the Board either before or after the issue of the G.O. can continue as President till the expiry of the term of his office as a member(please vide section 45(1)(a) of the Madras Local Boards Act). The appellant therefore begs to submit that as per para 2 of G.O. No.2214 dated 26-8-39 on which the Collector relies for his orders under appeal he is entitled to continue both as a member and as a President of the Hadagalli Panchayat Board till the expiry of his term of office.

4. For the reasons set forth in para 3 supra, the appellant humbly prays that the Government would be pleased to permit him to continue both as a President of the Panchayat Board and also as Headman of Hadagalli village.

5. The appellant soon after the receipt of orders of the Collector filed a revision petition before him for reconsideration of his orders. Copy of the orders thereon received from the





Collector is herewith submitted for kind perusal.

6. The appellant finally prays that until orders are passed on this appeal, the Government may be pleased to keep the orders of the Collector in abeyance and to communicate it to him.

For this act of kindness the appellant as in duty bound ever prays.

The appellant begs to remain
Your most honoured sir,

Your most obedient servant

Ahmad ana Goud

16/6/43.

Enclosures:

1. certified copy of the Collectors orders D.Dis.C. No.4232/42 dated 14-4-43. Urdu-Telugu
2. Copy of Collector's D.Di.C.1999/43 dated 3-6-43.(original) Telugu

Copy submitted to the ~~Collector of Bellary.~~ Secretary to the Government, Revenue Department, Madras, in advance
-do- Sub Collector of Hospet:
-do- Thasildar of Hadagalli.

K. Srinivasa Rao
6/8/63
Despatched
6-8-63

O.M. No. 3068/63-1 dt 6-8-43 Received

Village Officers – Headman – (Bellary) – Hadagalli TK and village – Annadana grd Li M – Member, Panchayat Bd, Hadagalli – Selected by President – Continuance – Petition from Li M. Annadana Gowd dt 18.6.63.

1/1-2 cf

The Coll of Bellary is requested to stay action on the orders passed by him in D. Dis 4232/62 dt 16.6.63 pending orders of the Govt on the petition quoted above.

13-16 cf

E

D/o

The Coll of Bellary
Copy with Rep Rev (with reference to his Rep A.177/63-1 dt 24.7.63)
Despatched 6/8/63

11 cf

6.8.63.

6/8/63

5/8/63

Revenue Department.

G.O.Ms. No. 2365 dated 23 Aug

Read the following:-

G.O.No.2214 Rev., dated 28-8-1939

Read also:- From Sri H.Annadana Gowd, petition dated 18-6-1943

From the Board of Rev., A.177/43-1 dated 24-7-1943.

.....

O R D E R.

G.O.Ms. No.2214 Rev., dated 28-8-1939 prohibits the election (or nomination) of a village office to a local body after that date and does not bar the election to an honorary office in a local body of a village officer who was already a member of it on the date of the issue of the G.O. Sri H.Annadana Gowd, Headman of Hadagalli village, Hadagalli taluk, Bellary district, should, therefore, be allowed to continue as President of the Panchayat Board, Hadagalli village,

until the expiry of his term as a member of that Panchayat Board without being required to resign the office of village headman.

2. Sri H.Annadana Gowd, Village headman, Hadagalli village, Hadagalli taluk, Bellary district, is referred to the Collector of Bellary for orders on his petition dated 18-6-1943. .....

19/8/43

19/8/43

To

The Board of Revenue

Copy to the Collr. of Bellary with D.Dis.4232/42 dated 14-4-43 and D.Dis. 1999/43 dated 3-6-43 retd.

Sri H.Annadana Gowd, Villag headman, Hadagalli village Hadagalli taluk, Bellary district (with pp.3-9 C.F. retd.) through the Collr. of Bellary (para 2 only)

Rev dept

Village Officers – Headman – (Bellary) – Hadagalli TK & village – H. Amaradana Gowd – Member, Panchayat Bd, Hadagalli – Elected as President – Continuance.

G.O. No 3068 Rev dt 63.

Pp 1-2 cf – From Sri H. Amaradana Gowd, Petn dt 18-6-63

Pp 11-13 cf – .. the Board, Rep. A.177/63-1 dt 24-7-63.

To A.S.

Please see the petition at Pp 1-2 cf and the Bd's Rep. at Pp 11-12 cf.

p 1 cf of (E) 2. The petitioner Sri H. Amaradana Gowd is the Headman of Hadagalli village in Bellary Dt. He was elected as a member of the Hadagalli Panchayat Bd on 14.6.38. The term of the office of the members of Panchayats was extended upto 1.11.63. On 19.6.61 the petr was elected as President of the Panchayat Bd

eeg of Fel-XXIV nagara of 12 of (2)

p 1 cf of (E)

The Bd held that the election for membership of the Bd held on 14.6.38 and that for Presidentship on 19.6.61 could not be one and the same but that the election of Presidentship on 19.6.61 was a fresh election. He therefore ordered that the petr

p 1 cf of (E) should resign either the Presidentship or the Headmanship. The petr addressed the Bd for a

Pp 1-2 cf of (U) review of the order. The Bd declined to revise the

Pp 11-12 cf of (U) order. The present petition is against the order of the Bd. The petitioner contends that the election of the President is not a fresh election. He prays that he may be allowed to continue both as President of the Panchayat Bd and as Headman of the village. (The Bd had not been addressed before approaching the Govt.)

para 3 at p 1 cf

para 5 at p 1 cf

3. The orders in G.O. No 2216 Rev dt 28.8.35 were passed in supersession of all previous orders on the

subject of eligibility & for election of village Officers to legislatures, local bodies and municipalities. Under these orders, a village Officer should resign his office before he is nominated for election to a Panchayat Bd if he desires to stand for election. V.Os who were members of a Panchayat Bd on the date of the order i.e., 28.8.39 were however allowed to continue to serve as such until their present term expires. The rule which was modified in the orders in the above G.O. was as follows:- para 10 at p 11 of (A).

"If a village headman wishes to stand for any election he should first apply for and obtain leave of absence or resign his office. If he is elected as member of a local body he will (if he so desires) be allowed to resume his duties as headman on the expiry of the period allowed for objections or if any objection is raised to the election after the case has been decided; but if he accepts office as President or Vice President of a Dt or Tk Bd he must continue to be on leave (or obtain leave as the case may be) for so long as he holds any of these offices. There will be no objection to his discharging the duties of village headman while he is President or Vice President of the Panchayat Bd of his own village". p 6 of G.O. 6 dtd 5.1.39 Printed Rules p 16 para 2

4. Before issuing the orders in G.O No 2214 Rev dtd 28.8.39, the question whether the headman when elected as President of Panchayat Bds should also be granted leave was considered (vide notes in para 2 at p 121 and the notes at pp 155-159 of the G.O.) H.M (L.A) held that they p 1 of (M)

should also be on leave but the orders as finally given in G.O. No. 2246 Rev dt. 28.8.43 do not specifically prohibit any member of a Panchayat Bd. from becoming its President so long as he continues to be a member of the Bd. As the election of the President is after all only from among the members of the Panchayat Bd, the Bd officer is of opinion that the spirit of the concession allowed in para 2 of the G.O. will not be offended against if the village Officer (the petnr.) is continued as the President of the Panchayat Bd. It is for orders whether the Bd's opinion will be agreed to.

para 6 at page 2 of

5. The petnr. also requests that until orders are passed on the present petition, the orders of the Bd may be kept in abeyance. As the petition had come through the Bd, it is presumed that the Bd's orders will not be given effect to until orders are passed by the Govt. No orders on this point appear to be necessary at present.

be competent to issue and may issue stay orders
Sd/-
4.8.43

6. The remarks of D.A. may be invited.

Sd/- 3.8.43.

We may agree with the Bd officer in its remarks in para 2 of p/11 C.S. and pass orders accordingly.

We file may be sent to D.A. after issue of the draft of (E) below staying action on the Bd's order

Sd/- 4.8.43

Sd/- 5/8/43 L.A. (Draft issued)

L.R. Dept
5 Secy.

Issued as G.O. No. 3068 dt. 6.8.43 Rev. Dept.

7 AUG 1943

Rev. D.O. 3068/43-2 Rev

L.A.

7-8-43.

Please see the remarks of Rev Dept. above. The question for consideration is

Whether the Headman will be able to discharge his functions as Headman and P.P.B. efficiently. In view of the fact that the officer has been discharging both the functions from 19.6.41. it is not likely that here will be difficulties in future also. It may however be pointed out that the elections to the Board will most likely be held only after the War and the Headman will have to be President till then. The file may be returned to Rev w.r. with these remarks.

This is not the question here.

9.8.43 9/8

The word of the petitioner at B on p.1 cf. is correct — as also the word taken by the Bd of Rev. The petition in Hindi at (M) applies to election to Pt Bd as a member and not to election as Pt. The petitioner is entitled to continue as Pt. till the expiry of his term as a member of the Pt Bd.

Under the Pt Bill a village headman will be an ex-officio member of the Panchayat and may stand for election as Pt. (without resigning his office as headman or taking leave)

8x 14.8.43

B

16 AUG 1943

Rev 16/8

Rev ✓

16/8

Rev 16/8

Rev 16/8

Rev